

Board of Licensed Professional Counselors,  
Marriage and Family Therapists and Substance Abuse Professionals  
18 VAC 115-50-10 et seq.

**FINAL REGULATION SUBMISSION PACKAGE**

**REGULATIONS GOVERNING THE PRACTICE OF MARRIAGE  
AND FAMILY THERAPY**

**18 VAC 115-50-10 et seq.**

**AGENCY CONTACT FOR OBTAINING COPIES OF THE  
REGULATION:**

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### **REGULATIONS GOVERNING THE PRACTICE OF MARRIAGE AND FAMILY THERAPY**

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#### **STATEMENT OF FINAL AGENCY ACTION**

On November 19, 1999 the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals adopted final amendments to regulations 18 VAC 115-50-10 et seq., completing a regulatory review in response to a petition from the public to amend the education requirements for licensure.

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### **Virginia Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals**

#### **Summary of Proposed Regulations**

Amendments to the Regulations Governing the Practice of Marriage and Family Therapists will make it possible for individuals to obtain some of the required coursework outside of their degree program. These amendments were adopted in response to a petition for rulemaking from students who maintained that the current regulations disenfranchised graduates of all but one graduate program in Virginia. The Board also adopted amendments to the supervisory requirements to ensure the continued availability of supervisors for individuals who wish to obtain post-graduate training for this license. In compliance with the statutory requirement that the Board establish experience hour requirements consistent with the requirements for professional counselor licensure, the board has included a provision to accept group supervision hours as equivalent to individual hours, raising the face-to-face client contact hours during the residency from 1000 to 2000, and accepting 600 internship hours toward the residency, which is equivalent to recently adopted amendments for the regulations governing professional counselor licensure.

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#### **EXPLANATION OF SUBSTANTIAL CHANGES**

The Board's Credentials Committee pointed out that not all programs accredited by the Council for Accreditation of Counseling and Related Education Programs (CACREP) prepare students for the practice of marriage and family therapy and that the regulations should make it clear that only programs accredited in this category will be automatically accepted as meeting the definition of a graduate degree in marriage and family therapy. The Board adopted a change to subsection B of 18 VAC 115-50-50 to clarify that CACREP-accredited programs must be in the category of marriage and family counseling/therapy to be automatically accepted as meeting the program requirements in the regulation. The Board also restructured the sentence to ensure that the meaning conforms with the degree requirement set forth in subsection A.

The Board has added a new form to help endorsement applicants document the hours of supervision received in another jurisdiction.

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#### **SUMMARY OF PUBLIC COMMENT AND AGENCY RESPONSE**

**Proposed regulations were published in the Virginia Register of Regulations on August 16, 1999. Public comment was requested for a 60-day period ending October 15, 1999. A Public Hearing before the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Treatment Professionals was held on August 26, 1999 at which the following comments were received:**

One person who is a resident in counseling spoke in favor of the proposed changes as beneficial to many graduates seeking licensure as marriage and family therapists.

**Board response:** The Board appreciates the support for its efforts to make the educational requirements less burdensome.

One person expressed opposition to the current requirement that the required hours for licensure be gained in an integrated, sequential program, which is burdensome to someone who interrupted completion of hours in marriage and family therapy in order to work as a counselor and is now unable to meet the Board's qualifications without starting all over in a graduate program.

**Board response:** The Board recognized the dilemma posed by the current regulation requiring hours to be gained in an integrated, sequential program, so the proposed regulations would remove that requirement.

Written comments included the following:

**One person** wrote to express support for the proposed regulations which would allow a graduate of a non-AAMFT program to sit for the licensure examination.

**One person** urged the Board to adopt the proposed regulations without modifications as they are fair, non-exclusive and adequately protect the public.

**Three persons** working in Southwestern Virginia wrote to support the proposed regulations as they will permit them to qualify and sit for the licensure examination.

A letter jointly signed by **48 people** expressed support for the proposed amendments to the Marriage and Family Therapists regulations.

**Board response:** The Board appreciates the support for its efforts to make the educational and experiential requirements less burdensome.

The Board's Credentials Committee expressed concern that not all programs accredited by the Council for Accreditation of Counseling and Related Education Programs (CACREP) prepare students for the practice of marriage and family therapy and that the regulations should make it clear that only programs accredited in this category will be automatically accepted as meeting the definition of a graduate degree in marriage and family therapy.

**Board response:** The Board adopted a change to subsection B of 18 VAC 115-50-50 to clarify that CACREP-accredited programs must be in the category of marriage and family counseling/therapy to be automatically accepted as meeting the program requirements in the regulation

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#### **STATEMENT OF BASIS, PURPOSE, ISSUES AND IMPACT**

##### **1. Basis of the Regulation:**

Title 54.1, Chapter 24 and Chapter 35 of the *Code of Virginia* provide the basis for these regulations.

Chapter 24 establishes the general powers and duties of the health regulatory boards including the power to assess fees, establish qualifications for licensure and the responsibility to promulgate regulations.

Chapter 35 establishes the Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals and authorizes that board to administer the licensure of marriage and family therapists.

##### **2. Statement of Purpose:**

Soon after new regulations became effective in July, 1997, the board received a petition for rulemaking from Radford University students expressing concern that the requirement in current regulations provide no avenue for licensure for current students or recent graduates of programs which did not offer the required 18 semester hours in marriage and family therapy-specific coursework. The board is proposing amendments to the education and internship requirements to make the license attainable for individuals whose graduate programs did not offer all hours of the core coursework required in the current regulations. This will provide greater access to licensed professionals for individuals and families that need marriage and family therapy services, which is in the best interest of the public health, safety and welfare.

Additional public comment addressed to the board stated concern that the regulations referenced only one professional association and accrediting body in marriage and family therapy regulations which was perceived as discriminatory.

The board proposes striking all references to professional associations, and recognizing programs accredited by either of the two nationally recognized accrediting bodies in marriage and family therapy.

When reviewing issues raised by the petition for rulemaking, the board identified language in the supervisory requirements that would restrict the availability of acceptable supervisors after July 9, 2000. The board is proposing amendments to the supervisory requirements to ensure the continued availability of supervisors for individuals who wish to obtain post-graduate training for this license.

During the time that these regulations were in review, the board was also working on amendments to its *Regulations Governing the Practice of Professional Counseling*. The board is required in § 54.1-3505 to establish education and experience hour requirements for marriage and family therapist licensure that are consistent with the requirements for professional counselor licensure. In accordance with this requirement, the board proposes accepting group supervision hours as equivalent to individual hours, raising the face-to-face client contact hours during the residency from 1000 to 2000 (no change is proposed for total residency hours), and accepting 600 internship hours toward the residency, which is equivalent to proposed amendments for the regulations governing professional counselor licensure.

### **3. Substance of the Regulations:**

The key amendments for each regulation are summarized as follows:

#### **A. Part I. General Provisions**

The board proposes deleting the definition of “AAMFT,” which is referred to only in 18 VAC 115-50-80, whose terms have expired.

Definitions of the acronyms “CACREP” and COAMFTE” are proposed to identify these two nationally recognized accrediting bodies in marriage and family therapy which are referenced in 18 VAC 115-50-50 and 18 VAC 115-50-60.

Amendments to the definition of “internship” are proposed to conform the definition with changes to the internship requirement proposed in 18 VAC 115-50-55.

A new definition is proposed for the word “residency,” which will replace the term “supervised experience” throughout the regulations.



Amendments to the term “supervision” are proposed to standardize this definition with the board’s other regulations.

B. Part II. Application for Licensure

The board proposes amending the endorsement application requirements in 18 VAC 115-50-40 to clarify that the verification of having met equivalent requirements in another state can be documented with a certified copy of the original application materials from the base state. The requirement for an official transcript, required of all licensure applicants, is also stipulated. Reference to 18 VAC-115-50-80 is struck due to the proposed repeal of that section.

The board proposes separating the education requirements in 18 VAC 115-50-50 into two separate sections setting forth degree program and course work requirements. The proposed new language in 18 VAC 115-50-50 describes the degree program requirement in terms of the scope of practice set forth in the *Code of Virginia*, and includes descriptive language of what constitutes a “*program*” in marriage and family therapy. Language proposed for this section recognizes programs accredited as marriage and family counseling/therapy programs by the Council for Accreditation of Counseling and Related Programs (CACREP), as well as the Commission on Accreditation of Marriage and Family Therapy Education (COAMFTE).

To provide an avenue for licensure for individuals whose graduate programs did not offer all required hours in the core content areas, the board proposes striking the phrase “sequential integrated program” from the course work requirements listed in 18 VAC 115-50-55. The board also proposes reducing the semester hours required in the marriage and family studies/therapy core areas from a total of eighteen to a total of twelve semester hours. In accordance with its proposed amendments for the professional counselor licensure requirements, the board proposes specifying a 3 semester hour minimum in each of the core areas of human development, professional studies, research and assessment and treatment. Results of a survey of graduate programs conducted by the Board indicate that the 3 semester hour minimum will not present a burden to the programs or create difficulties for students. To ensure that students who are now enrolled in a graduate program in marriage and family therapy do not have to adjust their curriculum or take additional hours, the Board proposes to accept their graduate hours if they meet the requirements which were in effect at the time their graduate work was begun.

To address public comment that the one year internship is unclear in terms of the school semester structure, the board proposes specifying the requirement in clock hours, in accordance with CACREP requirements and the proposed regulations for professional counselor licensure. The change represents a slight reduction in direct client contact hours, but specifies that half of those hours must be with couples and families.

The residency registration requirement set forth in subsection A of 18 VAC 115-50-60 is not a new requirement, but has been relocated for emphasis. Throughout this section, the term “supervised experience” has been replaced with “residency.” To reduce the burden of the residency requirement and conform the supervision hours to the proposed amendments for professional counselor licensure, the board proposes accepting group supervision hours as equivalent to face-to-face supervision hours (for up to ½ of the total hours) and allowing 600 hours of pre-degree internship to count toward the residency. To ensure that the residency hours are equivalent to those for professional counselor licensure as required by law, the Board proposes increasing the face-to-face direct client requirement to half of the total residency hours, as proposed for the professional counselor regulations. Correspondingly, the Board proposes increasing the residency hours specific to marriage and family therapy clients from 500 to 1000.

To increase the availability of qualified supervisors, the board proposes rescinding the requirement that all supervisors meet the education and experience requirements for marriage and family therapist licensure. The board also proposes changing the vague requirement for supervisors to document specific training in the supervision of marriage and family therapy to a more concise and easily measured requirement of two years post-licensure experience.

#### C. Part III. Examination For Licensure

A minor editorial change is proposed for subdivision D of 18 VAC 115-50-70.

The board proposes repeal of 18 VAC 115-50-80, as the provisions of this section have expired.

#### D. Part IV. Renewal and Reinstatement of License

A licensure renewal date is being added to 18 VAC 115-50-90.

### **4. Issues of the Regulation.**

#### A. Definitions.

Public comment received by the board stated concern that only one national association in marriage and family therapy was recognized in the “grandfathering” provision set forth in 18 VAC 115-50-80. The board had amended the definition of “AAMFT” prior to adoption of the final regulation by adding the phrase “or an organization deemed substantially equivalent by the board.” With the repeal of the now expired terms set forth in 18 VAC 115-50-80, there is no need to reference any professional association in the regulations. The board proposes striking the acronym “AAMFT” from this section.

The board had also received public comment stating concern that only one accrediting body for graduate programs is recognized in the regulations. The board proposes recognizing both national accrediting bodies in marriage and family therapy, the Council for Accreditation of Counseling and Related Educational Programs (CACREP) and the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), and including their acronyms in this section.

While considering the internship and residency requirements in three chapters of its regulations in various stages of review or development, the board resolved to work towards consistency in the use and definitions of terms. Consequently, amendments are proposed for the definitions for “internship” and “supervision” and new definition is proposed for the term “residency,” which replaces the term “supervised experience.”

**Advantages:** Consistency in the use of terms among all categories of licensure governed by the board reduces confusion for applicants and licensees who may apply for licensure or act as supervisors in more than one category.

**Disadvantages:** The proposed changes present no disadvantages to the general public, applicants, licensees, the board or the agency.

## **B. Application Instructions**

When the board developed the current provision for licensure by endorsement under 18 VAC 115-50-40, a licensure verification form was developed to ascertain the applicant’s completion of residency hours equivalent to those required in the board’s regulations. Because many states have developed automated verification templates that do not include this information, the form was not an effective means to obtain this information. This resulted in application processing delays for individuals who had to be contacted for certified copies of their original experience documentation after their applications were received. As a solution, the board proposes requiring copies of the original experience documentation at the time of application for licensure by endorsement.

**Advantages:** Requesting this documentation with the application materials should expedite the endorsement process and avoid frustration for applicants.

**Disadvantages:** Other jurisdictions may assess a copying fee for certified copies of application materials. Individuals who have maintained contact with their original supervisor will have the alternative of having the residency documented on a new form by that supervisor.

### C. Degree Program and Course Work Requirements.

As mentioned under (A) above, one issue raised through public comment included the lack of recognition of one of the national accrediting bodies for marriage and family therapy programs

In response to this comment, the board proposes including automatic acceptance of programs accredited as programs in marriage and family counseling/therapy by the Council for Accreditation for Counseling and Related Education Programs (CACREP) as meeting its degree program requirements. For programs that are not accredited by one of the two recognized accrediting bodies, the board proposes a new section which sets forth criteria for what constitutes an acceptable program in marriage and family therapy with reference to the scope of practice set forth in the *Code of Virginia*.

Another issue raised through public comment and petition is that only one counseling program in Virginia offers the full component of required core education areas, which makes licensure unattainable for graduates of other programs. Results of a survey conducted by the Board indicated that the majority of programs do not offer more than one course in each marriage and family therapy-specific content area, and had no plans to develop new courses. To rectify this problem, the board proposes rescinding the requirement that all core coursework be obtained from one “sequential integrated program,” and reducing the number of hours required in marriage and family therapy-specific studies from a total of 18 to a total of 12.

Another issue pertaining to the course work requirements that the Board recently addressed in a review of its regulations for professional counselor licensure is the lack of specificity in the semester hours required in each content area. Under the current regulations, one applicant may cover more than one content area with one course, while another may submit documentation of a specific course to each area, which results in disparate training for individuals obtaining the same license, and makes the determination of competency somewhat subjective. The Board has proposed requiring a minimum of 3 semester hours in each content area for

professional counselor licensure, and is proposing the same requirement for the general counseling core areas set forth under 18 VAC 115-50-55 A 3 through 7. Results of a survey of graduate programs conducted by the Board indicate that this coursework is readily available and the requirement will not present a burden to the programs or difficulty for students.

Public comment also revealed confusion over how to translate the one-year internship requirement in terms of the school year structure. To clarify the internship requirement, the board proposes mirroring the internship requirement for CACREP program accreditation, which is 600 clock hours with 240 hours of direct client contact. To ensure that the internship includes the application of marriage and family therapy systems theory, the board proposes requiring half of those hours to involve contact with couples and families.

Advantages: Recognition of both accrediting bodies in marriage and family therapy will simplify the review process and expedite the application process for individuals who graduate from these programs. For graduates of programs not accredited by these two organizations, the proposed degree program requirements outline in clear terms what will be accepted as a graduate program in marriage and family therapy.

Reducing the marriage and family therapy-specific semester hour requirement and allowing some course work to be completed outside the degree program will make the license obtainable for many individuals whose programs did not offer the requisite hours. It will also reduce the costs for programs which are trying to develop more courses to prepare students for this license. Requiring three semester hours in each of the general core areas will ensure adequate education in the core areas of counseling, consistent among all applicants.

Disadvantages: Concerns have been raised in public comment that reducing the marriage and family therapy coursework could affect the mobility of licensees who wish to move to other states which require 18 semester hours in marriage and family studies/therapy. Recent information obtained from 26 states which license family therapists (out of a total of 41 states) revealed that approximately half those states require 18 semester hours. A survey of Virginia's graduate programs indicated that only one program in the state is able to offer 18 hours. The 18 hour requirement would have the effect of creating a monopoly for the only program that is able to offer that number of hours. Public comment received by the Board during its work on the requirements was evenly split between individuals who felt that 18 hours was below national certification standards of the American Association of Marriage and Family Therapists, and those who felt that 18 hours was excessive and would present an unnecessary burden to programs and students. The Board selected 12 hours based on standards for accreditation of marriage and family counseling/therapy graduate

programs. As with any license, individuals who wish to become licensed in other states may need to obtain additional coursework or training to meet the other states' requirements.

Proposed changes in the general counseling semester-hour requirements may limit the number of elective courses students can take within the 60 graduate-hour requirement, but do not change the total number of hours required. Individuals who did not complete 3 semester hours in each core area will be required to obtain additional coursework. This will primarily impact individuals who complete their education requirement prior to or soon after the effective date of the regulations. Individuals enrolling in marriage and family therapy programs will be able to plan their curricula to meet the new requirements. Survey results indicate that the courses are readily available in Virginia's counseling programs.

#### Residency Requirements

By statute, the board is restricted to establish supervision hours for marriage and family therapist licensure that are equivalent to those established for professional counselor licensure. The board is proposing amendments to its regulations for professional counselor licensure which include accepting group supervision as equivalent to face-to-face supervision, requiring 2000 hours of face-to-face client contact within the 4000 hour residency and accepting degree-level internship hours that meet certain requirements toward the residency hours. To comply with statute, the board is proposing the same amendments for this chapter. The board also proposes replacing the word "supervised experience" with "residency", and reformatting the section so that instructions for registration of the residency appear at the front of the section in conformance with proposed changes to its regulations governing professional counselor licensure.

An issue raised by applicants and supervisors is the lack of specificity regarding the type and amount of training in the supervision of marriage and family therapy that would be acceptable to the board. Because the board does not have statutory authority to establish training requirements for supervisors, it is proposing instead that supervisors provide documentation of two years experience in providing marriage and family therapy services.

The board also considered the potential impact of the existing rule requiring that all supervisors meet the education and experience requirements in the regulations after July 9, 2000 on the availability of supervisors, the acceptability of residency hours completed prior to the effective date of the rule, and on the amount of documentation required for application. The board proposes rescinding this requirement and plans to continue studying the need for supervisor training.

**Advantages:** Honoring all group supervision hours and accepting internship hours towards the residency will expedite completion of the residency requirement for all applicants. Maintaining uniformity in the regulations ensures compliance with statute and simplifies the process for individuals who are working toward more than one license in the same residency. Establishing an experience requirement for supervisors to replace the current training requirement, will result in a less subjective and more consistent way of ensuring some level of marriage and family therapy experience and will be easier for supervisors to document. Rescinding the requirement that all supervisors meet the education and experience requirements for licensure as a marriage and family therapist will ensure the continued availability of supervisors, which is a common concern for applicants, particularly those in the less populated regions of the Commonwealth.

**Disadvantages:** New licensees will be required to wait two years until they are able to act as supervisors. However, it is the board's experience that it is extremely rare for new licensees to act as supervisors. Under the existing rule, most new licenses would not qualify to act as supervisors anyway, as training in supervision is not characteristically offered as part of master's level training.

Residents will be required to document an additional 1000 hours of face-to-face client contact during the residency. This is being proposed to parallel the proposal the Board has submitted for its professional counselor regulations. The time was based on the standard of state community services boards, which require that 50% of a therapist's work to be direct contact with clients.

#### E. Examination Waiver.

The time period for the examination waiver for licensed marriage and family therapists has expired. The board proposes repeal of this language which is no longer necessary.

**Advantages:** Elimination of obsolete language will prevent confusion for applicants.

**Disadvantages:** There are no disadvantages to the proposed changes.

#### F. Licensure Renewal

The current regulations do not specify a licensure expiration date. The board proposed specifying the June 30<sup>th</sup> deadline which is consistent with the deadline for

professional counselor licensure and has been administered since the board began issuing licenses.

**Advantages:** The licensure expiration date will make applicants aware that the first license, which is issued without a fee, may expire less than 2 years after the initial licensure date.

**Disadvantage:** There is no disadvantages to the proposed change.

## 5. **Estimated Fiscal Impact**

### **Fiscal Impact Prepared by the Agency**

#### **A. Projected number of persons affected and their cost of compliance:**

As of November, 1999 approximately 920 individuals were licensed as marriage and family therapists. An estimated 100 individuals will apply for this license each year. With the proposal to allow students to acquire hours outside their graduate program and the reduction of 6 semester hours in the requirement for marriage and family therapy-specific content areas, more individuals will be eligible for licensure and employment in this profession.

For some individuals who complete their graduate programs prior to the effective date of the new regulations, the stipulation that the general counseling content areas listed under subdivisions A 3 through A 7 of 18 VAC 115-50-50 include 3 semester hours in each area may result in additional cost. This is not expected to affect many individuals, since the responses to the survey of graduate programs indicate that all of these content areas are offered as distinct 3 semester courses.

Acceptance of group supervision hours as equivalent to face-to-face, and acceptance of the internship hours toward the residency should expedite licensure by approximately 3-6 months for the majority of applicants for licensure by examination. This could represent up to \$10,000 in earning potential, and a savings of up to \$1200 in supervision fees.

Proposed changes to the supervisory requirements will circumvent limitations on the availability of qualified supervisors that would take place after July 9, 2000 under the current regulations. Since the majority of potential supervisors do not meet the specific education and training requirements for marriage and family therapist licensure, many applicants would have difficulty finding supervisors and obtaining



the required hours for the residency, protracting the licensure process and delaying employment.

B. Costs to the agency for implementation:

Approximately \$2000 will be incurred for printing and mailing public notices and amended regulations.

All costs to the agency are derived from fees paid by licensees, and no fee increases are necessary.

C. Costs to local governments

The proposed amendments will not fiscally impact local governments.

D. Economic Impact Analysis:

The Department of Planning and Budget's Economic Impact Analysis was published with the proposed regulations.

E. Agency Response

The Agency concurs with the analysis prepared by the Department of Planning and Budget.

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**TEXT OF THE REGULATION**

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